

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

| | | |
|--|---|----------------------------|
| IN RE: | § | BANKRUPTCY CASE NO. |
| | § | |
| HOUSTON PLATE PROCESSING, INC., | § | 17-30603-H5-11 |
| | § | |
| DEBTOR | § | Chapter 11 |

**DEBTOR'S EX PARTE APPLICATION FOR AUTHORITY
TO APPOINT AND RETAIN COUNSEL PURSUANT TO
11 U.S.C. § 327**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, HOUSTON PLATE PROCESSING, INC., the Debtor herein (the "Debtor"), and files this its Ex Parte Application for Authority to Appoint and Retain Counsel Pursuant to 11 U.S.C. § 327 (the "Application"), and in support thereof, would respectfully show unto the Court as follows:

I.

The Debtor has filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code on February 2, 2017 (the "Date of Petition"). From and since the Date of Petition, the Debtor has maintained possession of its property, and has continued to remain in control of its ongoing business affairs as a Debtor-in-possession pursuant to the provisions of 11 U.S.C. §§ 1107 and 1108.

II.

This Court has jurisdiction over the proceedings herein pursuant to 11 U.S.C. § 105, and 28 U.S.C. §§ 151, 157, and 1334. Venue is appropriate herein by virtue of 28 U.S.C. § 1408.

III.

This Application has been filed Ex Parte in accordance with Bankruptcy Rule 9003. Even though the Debtor is filing this Application on an Ex Parte basis, it is providing Notice of same to the United States Trustee.

IV.

The Debtor, as debtor-in-possession, wishes to employ Margaret M. McClure as attorney under a general retainer to give the debtor legal advice with respect to debtor's powers and duties as debtor-in-possession in the continued operation of the debtor's business and management of the debtor's property and to perform all legal services for the debtor-in-possession which may be necessary herein.

V.

HOUSTON PLATE PROCESSING, INC. has selected Margaret M. McClure for the reasons that she has filed the initial papers on behalf of the Debtor corporation, because she has gained experience as to the Debtor's business and property by filing the petition herein, and the Debtor believes that Margaret M. McClure is well qualified to represent Debtor, as debtor-in-possession in this proceeding. Furthermore, it is necessary for the Debtor, as debtor-in-possession, to employ an attorney for such professional services.

VI.

To the best of the Debtor's knowledge, said Margaret M. McClure has no connection with the Debtor, the creditors or any other party in interest, their respective attorneys and accountants, the U.S. Trustee or any person employed in the office of the U.S. Trustee other than previously representing the debtor in filing the initial pleadings and in matters preliminary hereto. The

Affidavit of Proposed Counsel pursuant to 11 U.S.C.A. § 327(a) and Fed. R. Bkcty. P. 2014 is attached hereto and incorporated herein for all purposes as Exhibit "A".

VII.

At the present time Margaret M. McClure charges an hourly fee of \$400.00 per hour for attorney time and \$150.00 per hour for paralegal time for services of this nature, not including the initial filing fee, or other expenses such as Court costs, deposition costs, subsequent filing fees, service of process fees, postage, long distance telephone charges, duplication charges, parking, facsimiles charges, Court ordered mediation fees, ad litem fees, courier and special delivery costs, travel expenses, accountants' fees, appraisers' fees, consultants' fees and other professional fees incurred on Client's behalf. In the normal course of business, Margaret M. McClure, revises her hourly billing rates. If any adjustments in the hourly billing rate occur during Margaret M. McClure's representation of the Debtor, the Debtor agrees that the aforementioned rates be revised to the regular hourly rates, which will be in effect at the time.

The fees which will be charged on an hourly basis to the Debtor, as Debtor-in-possession will be the normal and ordinary fees charged for similar services by the attorney to her other non-bankruptcy clients, and are favorably comparable to fees being charged by other law firms in this District for services of a similar nature.

Pursuant to 11 U.S.C. §§330 and 331, any compensation sought in this bankruptcy case by Margaret M. McClure will be subject to the scrutiny and authority of this Court.

VIII.

No party in interest has requested the appointment of a trustee, and thus no notice of this application need be given and no hearing thereon need be held because of the presumption afforded the debtor-in-possession pursuant to 11 U.S.C. § 1107(b).

WHEREFORE, PREMISES CONSIDERED, HOUSTON PLATE PROCESSING, INC., the Debtor herein, prays for this Court to authorize the Ex Parte employment of Margaret M. McClure on an hourly basis of \$400.00 per hour for attorney time and \$150.00 per hour for paralegal time, plus expenses, to represent Debtor as a Debtor-in-possession for all matters relating in any way to these proceedings under Chapter 11 of Title 11 of the United States Code.

Respectfully submitted this 9th day of February, 2017.

HOUSTON PLATE PROCESSING, INC.

/s/ Jeremiah E. Thompson
Jeremiah E. Thompson, President

OF COUNSEL:

/s/ Margaret M. McClure
MARGARET M. MCCLURE
State Bar No. 00787997
909 Fannin, Suite 3810
Houston, Texas 77010
(713) 659-1333
(713) 658-0334 (fax)
margaret@mmmccclurelaw.com (e-mail)

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| IN RE: | § | BANKRUPTCY CASE NO. |
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| HOUSTON PLATE PROCESSING, INC., DEBTOR | § | 17-30603-H5-11 |
| | § | Chapter 11 |

**AFFIDAVIT OF PROPOSED COUNSEL PURSUANT TO
11 U.S.C.A. § 327(A) AND FED. R. BKTCY. P. 2014(A)**

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned Notary Public, came and appeared Margaret M. McClure, Attorney at Law, 909 Fannin, Suite 3810, Houston, Texas 77010, who, after first being duly sworn, did depose and say:

"My name is MARGARET M. MCCLURE, and to the best of my knowledge, I have no connections with the debtor, creditors, or any other party in interest, their respective attorneys and accountants, the U.S. Trustee or any person employed in the office of the U.S. Trustee.

"I am a disinterested person with regard to the debtor and above captioned matter, in that:

- a. I am not a creditor, an equity security holder, or an insider;
- b. I am not and was not, within two years before the date of the filing of the petition, a director, officer, or employee of the debtor; and
- c. I do not have an interest adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the Debtor or for any other reason.

"Pursuant to Rule 2016(b), I have not shared or agreed to share any portion of the compensation paid or to be paid in connection with this case with any other persons unless they are members or associates of my law firm.

"To the best of my knowledge, information and belief, I do not represent any interest adverse to the Debtor or its estate in the matters upon which I am to be engaged by the Debtor. I believe my employment in this matter is in the best interests of the Debtor and its estate.

"A retainer of \$27,000.00 was paid to me by the Debtor in installments of \$2,000.00 on October 11, 2016 and \$25,000.00 on December 12, 2016. \$10,463.80 of the retainer amount of \$27,000.00 has been earned by the Debtor's attorney pre-petition, leaving a remaining retainer balance of \$16,536.20. The retainer balance consists of \$1,717.00 for the filing fee and \$14,819.20 to be applied to services rendered or expenses incurred in connection with representing the debtor in the bankruptcy proceeding, subject to court approval. The fees which will be charged on an hourly basis to the Debtor, as Debtor-in-possession will be \$400.00 per hour for attorney time and \$150.00 per hour for paralegal time, excluding expenses, which is the normal and ordinary fees charged for similar services by me to other non-bankruptcy clients, and are favorably comparable to fees being charged by other law firms in this District for services of a similar nature."

FURTHER AFFIANT SAIETH NOT.

/s/ Margaret M. McClure
MARGARET M. MCCLURE

SUBSCRIBED AND SWORN TO BEFORE ME this 9th day of February, 2017.

/s/ Dariel McKey
NOTARY PUBLIC, STATE OF TEXAS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was electronically mailed or mailed by first class mail, postage prepaid, this 9th day of February, 2017 to the following:

Mr. Judy A. Robbins
U.S. Trustee
515 Rusk, 3rd Floor
Houston, Texas 77002

Mr. Jeremiah E. Thompson, President
Houston Plate Processing, Inc.
12255 FM 529 Road
Houston, TX 77041

/s/ Margaret M. McClure
MARGARET M. MCCLURE